

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LINDA D. SEKIYA,)	Civ No. 04-00297 DAE/KSC
)	
Plaintiff,)	DECLARATION OF
)	DR. MARK H.
vs.)	BERNSTEIN, M.D.
)	
DONALD H. RUMSFELD,)	
officially as secretary of Defense)	
)	
Agency.)	
_____)	

DECLARATION OF DR. MARK H. BERNSTEIN, M.D.

I, MARK H. BERNSTEIN, state that:

1. I am a board certified medical doctor specializing in psychiatry and neurology and am licensed to practice medicine in the State of Hawaii.
2. Linda D. Sekiya (hereinafter "Plaintiff") in the above-referenced case, is a patient of mine from approximately 1990 to the present.
3. I make this statement based upon my personal knowledge and information.
4. I diagnosed Plaintiff with anxiety and depression.
5. I prescribed Plaintiff Xanax, Ambien and Zoloft.
6. During the period December 1999 through April 2003, it was necessary for Plaintiff to rely on the use of crutches in order to walk.
7. On August 21, 2001 my medical notes state that Plaintiff was "very upset over work situation. Feels she has been harassed and plans to

retire next month. Feels unable to perform properly at work since placed on absence control. Taking more Xanax to help stay calm.”

8. On September 10, 2001 my medical notes state “off work until end of month and then retiring. Concerns about mother’s health. Continue medication. Affect ok but stressed with family and health issues.”

9. On November 1, 2001 my medical notes state “patient was under significant work stress which led me to advise her to retire and take time off from work.”

By “work stress” I mean Plaintiff was having increasing difficulty sleeping, needing more medication, and just feeling more anxious, upset, and depressed. This was based on her situation at work. There was a situation where her mother was ill, and she thought she needed time off for that and didn’t feel that work was giving her adequate time to take care of family matters. She was just feeling generally that she was not being appreciated, and actually received obstructionist treatment instead of people helping and supporting her. It was as though her employer was putting up roadblocks.

10. Based on what Plaintiff told me about her work stress, a reasonable person could have felt compelled to retire early, as Plaintiff did.

I, MARK H. BERNSTEIN, M.D., do declare under penalty of law
that the foregoing is true and correct.

Dated: Honolulu, Hawaii, 3/7/06, 2006.



MARK H. BERNSTEIN, M.D.